

03-03-04

1614

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CP 245



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Heacock et. al.

Serial No.: 10/660/058

Group Art Unit.: 1614

Filing Date: September 11, 2003

Examiner: Not Yet Known

For: PHARMACEUTICAL FORMULATIONS OF MODAFINIL

EXPRESS MAIL LABEL NO: EK722594469US

DATE OF DEPOSIT: March 1, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. § 1.56(b).

- 1a.  In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above-identified application as set forth in § 1.491, or before the mailing date of a first Office Action on the merits of the above-identified application whichever occurs last, no additional fee is required.
- b.  In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of

either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first, therefore:

- Certification in accordance with § 1.97(e) is attached; or
- The fee of \$180.00 as set forth in § 1.17 (p) is attached.
- The Commissioner is authorized to charge payment of the fee of \$180.00 as set forth in § 1.17(p) from Deposit Account No. 03-1195.

c.  In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the period specified in § 1.97(d) but on or before the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); Petition Requesting Consideration of the Information Disclosure Statement; and the fee of \$130.00 as set forth in § 1.17(i)(1).

d.  In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second after final rejection, therefore:  

- Certification in Accordance with § 1.97(e) is attached; or
- The fee of \$180.00 as set forth in § 1.17 (p) is attached.
- The Commissioner is authorized to charge payment of the fee of \$180.00 as set forth in § 1.17(p) from Deposit Account No. 03-1195.

2a.  Copies of each of the journal references listed on the attached Form PTO-1449 are enclosed herewith.

b.  Copies of references listed on the attached Form PTO-1449 are enclosed herewith, EXCEPT THAT:  

- In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed

herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:

- Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. , filed .
  - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

3a.  All listed references are in the English language.

b.  References { } are not in the English language and enclosed are:

\_\_\_\_\_ an English translation

\_\_\_\_\_ English language abstracts

\_\_\_\_\_ a concise explanation of its relevance

Address all correspondence to Customer No. 27573 which is assigned to Cephalon, Inc., 145 Brandywine Parkway, West Chester, PA 19380.

Direct all telephone calls to:

Cephalon, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380  
Telephone: (610) 738-6465  
Facsimile: (610) 738-6590

Please charge any deficiency or credit any overpayment to Deposit Account No. 03-1195. This sheet is provided in duplicate.

Date: March 1, 2004



Robert T. Hrubiec  
Registration No. 36,392

CEPHALON, Inc.  
145 Brandywine Parkway  
West Chester, PA 19380  
Telephone: (610) 738-6465  
Facsimile: (610) 738-6590



FORM PTO-1449 MODIFIED			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
List of Patent and Publications Cited by Applicant (use as many sheets as necessary)			
Sheet	1	of	2
			Attorney Docket Number
			<b>CP245</b>

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number	Name	Date of Publication	Class	Subclass
	A1	4,177,290	Lafon	12/4/79		
	A2	4,927,855	Lafon	5/22/90		
	A3	5,180,745	Lafon	1/19/93		
	A4	5,391,576	Lafon	2/21/95		
	A5	5,401,776	Laurent	2/28/95		
	A6	5,612,379	Laurent	3/18/97		
	A7	RE37,516	Grebow et. al.	1/15/02		
	A8	6,455,588	Scammell	9/24/02		
	A9	6,346,548	Miller et. al	2/12/02		
	A10	6,488,164	Miller et. al.	12/3/02		
	A11	5,843,347	Nguyen	12/1/98		
	A12	6,462,089	Battaglia et. al.	10/8/02		
	A13	5,719,168	Laurent	2/17/98		
	A14	6,489,363	Jacobs et. al.	12/3/02		
	A15	2001/25391	Jacobs et. al.	7/3/03		
	A16	2000/98240	Jacobs et. al.	7/25/02		
	A17	2001/60982	Jacobs et. al.	10/31/02		
	A18	2000/22940	Corvari et. al.	1/30/03		
	A19	2002/20403	Corvari et. al.	11/27/03		
	A20	10/616776	Heacock et. al.	pending		

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date	Country	Translation YES	NO

Examiner's Signature		Date:	
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MAR 02 2004  
U.S. PATENT & TRADEMARK OFFICE

**FORM PTO-1449 MODIFIED 2/2003**

**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

List of Patent and Publications Cited by Applicant  
(use as many sheets as necessary)

Sheet	2	of	2	Attorney Docket Number	CP245
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**OTHER DOCUMENTS Non-Patent Literature Documents**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), Title of Article, Title of Journal (book, magazine, catalog, etc.) Date, Pertinent Pages, Volume-Issue Number, publisher, city and/or country where published.
	C1	Wong Y.N. et al, <i>J. Clin. Pharmacol.</i> , 1999, 39:30-40
	C2	Rugino T.A. and Copley T.C., <i>J. Am. Acad. Child Adolesc. Psychiatry</i> , 2001, 40:2, 230-235

Examiner's Signature	Date:
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